

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-10988-RWZ

PAT STARKEY

v.

MARC BIRRITTERI

MEMORANDUM OF DECISION

December 19, 2013

ZOBEL, D.J.

Defendant's motion for summary judgment (Docket # 34) is allowed as to count 1 of the Amended Complaint because the record is devoid of any evidence that defendant violated plaintiff's First Amendment rights by intending "to discourage [the plaintiff] from future speech."

The motion is denied as to count 2 because there are factual disputes concerning defendant's actions in the commencement and prosecution of the criminal case.

December 19, 2013

DATE

/s/Rya W. Zobel

RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE